



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

June 17, 2023

BY ECF & BY EMAIL

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: ***United States v. Brijesh Goel***  
22 Cr. 396 (PKC)

Dear Judge Castel:

The Government writes to respectfully request that the Court order the defendant to comply with the Government's Rule 17(c) subpoena as soon as reasonably possible and by no later than 10:00 a.m. tomorrow, June 18, 2023.

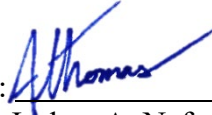
On June 10, 2023, the Government served a Rule 17(c) subpoena by emailing it to defendant's counsel, who accepted service. The subpoena, which is attached hereto as Exhibit A, called for the production of certain records "if, as, and when the defendant elects to testify." *See* Exhibit A at 1. Because the defendant took the stand yesterday and has, in fact, begun testifying, the time for production has arrived and the defendant may no longer withhold production related to the subjects of his testimony on the basis of the Fifth Amendment privilege against self-incrimination. *See generally Brown v. United States*, 356 U.S. 148 (1958) (defendant who elects to testify may not invoke privilege against self-incrimination on same subjects as testimony).

The defendant's counsel acknowledged yesterday that the defendant would comply. *See* Trial Tr. 867. But the defendant has not yet produced any records. The Government was entitled to the production of records yesterday, as called for by the subpoena, but expects it will be able to make effective use of the defendant's response so long as it is before tomorrow morning. If the defendant delays further in responding he will unfairly deny the Government use of the records or force the Government to seek to a delayed start to its cross-examination, thereby imposing the defendant's delay on the jury, the Court, and the remaining witnesses.

The defendant took the stand yesterday, triggering a production obligation. The defendant has had seven days to assemble a response production in anticipation of that obligation. The Court should now compel him to produce responsive records as soon as reasonably possible and by no later than tomorrow at 10:00 a.m.

Respectfully submitted,

DAMIAN WILLIAMS  
United States Attorney

By:   
\_\_\_\_\_  
Joshua A. Naftalis  
Samuel P. Rothschild  
Andrew Thomas  
Assistant United States Attorneys  
(212) 637-2310/2504/2106

cc: Defense Counsel (by ECF)